

REMARKS

Applicants have studied the Final Office Action dated April 14, 2008. No amendments have been made to the claims. Claims 1-6, 8-10, 12, 13, 16, 18-25, 28-30, 32, 34, 35, 39, 41, 42, 51-56, 71, 72, 74 and 75 are pending. Claims 1, 18, 28, 35, 42, 51 and 71 are independent claims.

It is submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

Request for Acknowledgment of Receipt of Foreign Priority Document

In a previous Office Action dated December 21, 2006, the Examiner acknowledged the claim for foreign priority under 35 U.S.C. 119. However, the Examiner at that time acknowledged that only some of the certified copies of the priority documents were received.

It was respectfully noted in the previous response submitted on March 17, 2008 that a certified copy of Korean Patent Application No. 10-2002-0057469, from which foreign priority is claimed, was submitted on March 19, 2004 and it was respectfully requested that the Examiner acknowledge that all certified copies of priority documents have been received. It is respectfully noted that although the Examiner properly checked the appropriate box on the Office Action Summary of the present Final Office Action to indicate "All," the Examiner has now neglected to check the appropriate box to indicate "Certified copies of the priority documents have been received." It is respectfully requested that the Examiner check the boxes to indicate both "All" and "Certified copies of the priority documents have been received" in the next Office communication.

Rejection under 35 U.S.C. § 103

Claims 1-6, 8-10, 12, 13, 16, 18-25, 28, 30, 32, 34, 35, 39, 41, 42, 51-56, 71, 72, 74 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0087653 to Leung et al. (hereinafter "Leung") in

view of Applicant Admitted Prior Art (hereinafter "AAPA"). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

It is respectfully noted that independent claims 1, 18, 28, 35, 42, 51 and 71 each recite "the Internet protocol header compression is performed in a packet data convergence protocol (PDCP) entity located within a serving radio network controller (SRNC) in case of a point-to-point manner and within a controlling radio network controller (CRNC) in case of a point-to-multipoint manner" and "the point-to-multipoint service is a multimedia broadcast/multicast service (MBMS) and one PDCP entity exists in the CRNC for each MBMS service in case of the point-to-multipoint manner" or similar limitations.

As previously submitted in the previous response to the Office Action mailed on December 19, 2007, Leung relates to an intermittent broadcast service that conserves bandwidth and other transmission resources of a wireless communication system. A trigger recognized at a transmission node initiates a broadcast transmission, wherein a transmission path is set up. A termination trigger indicates that the transmission node is not serving a user desiring the broadcast transmission, and in response the transmission path is shut down.

As previously submitted in the previous response to the Office Action mailed on December 19, 2007, Leung attempts to solve the problem of a conventional system, in which a PSDN performs a duplication procedure required in transmitting information to

multiple users, which results in problems of resource allocation and loss of available bandwidth (see paragraph [0034] of Leung). Leung's invention includes having a BS or PCF perform the duplication procedure, to thus free up the PDSN or central packet router (see paragraph [0035]).

However, as previously submitted in the previous response to the Office Action mailed on December 19, 2007, it is again respectfully submitted that there is no teaching or suggestion in Leung about UMTS networks having a UTRAN with multiple RNCs, as is explicitly recited in each of independent claims 1, 18, 28, 35, 42, 51 and 71.

As previously noted in the previous response to the Office Action mailed on December 19, 2007, the present invention reduces the total number of PDCP entities necessary for performing header compression/decompression and transmission/reception of compressed headers by locating the PDCP entity within the CRNC in case of the point-to-multipoint manner. This is in contrast to the prior art wherein the total number of PDCP entities equals the total number of mobile terminals.

It is respectfully noted that the Examiner at paragraph 7 of the present Final Office Action, cites paragraph 0068 lines 5-8 of Leung as teaching that "internet protocol header compression is performed in a robust header compression ROHC within a packet data service node PDSN in case of the point-to-multipoint manner" and "one ROHC entity exists in the PDSN for each MBMS service in case of the point-to-multipoint manner." Applicant respectfully disagrees with the Examiner's interpretation of the cited portions of Leung.

It is respectfully submitted that the cited portions of Leung merely disclose the very broad and general conventional art robust header compression scheme where the PDSN provides header compression information to an MS and the header compression information is compressed or performed by the ROHC but fail to explicitly disclose "the PDCP entity located within SRNC in case of point-to-point manner and within CRNC in case of point-to-multipoint manner" and "the point-to-multipoint service is a MBMS service and only one PDCP entity exists in CRNC for each MBMS service in case of the point-to-multipoint manner." It is further respectfully submitted that the conventional ROHC scheme disclosed in Leung is not related to a type of service, such as "point-to-point service" or "point-to-multipoint service."

It is respectfully noted the Examiner, at paragraph 7 of the present Final Office Action, indicates that Leung does not disclose “a packet data convergence protocol (PDCP) entity located within a serving radio network controller (SRNC) in case of the point-to-multipoint manner, and a controlling radio network controller (CRNC)” and cites the AAPA, specifically the “PDCP” and “CRNC” in “FIG. 5.” However, it is respectfully submitted that the Examiner has not provided asserted analogies to the specific limitations recited in each of independent claims 1, 18, 28, 35, 42, 51 and 71.

It is respectfully noted that the recitation in independent claims 1, 18, 28, 35, 42, 51 and 71 is not merely “a packet data convergence protocol (PDCP) entity located within a serving radio network controller (SRNC) in case of a point-to-point manner” and “a controlling radio network controller (CRNC)” as the Examiner appears to imply. Rather, it is further respectfully noted that independent claims 1, 18, 28, 35, 42, 51 and 71 specifically recite “a packet data convergence protocol (PDCP) entity” that is located “within a serving radio network controller (SRNC) in case of a point-to-point manner” and “within a controlling radio network controller (CRNC) in case of a point-to-multipoint manner.”

It is respectfully submitted that a thorough review of Leung and AAPA fails to identify any portion that discloses the feature of “one PDCP entity exists in CRNC for each MBMS service in case of the point-to-multipoint manner.” It is further respectfully submitted that the “ROHC entity” the Examiner asserts in Leung is not analogous to the “PDCP entity” recited in independent claims 1, 18, 28, 35, 42, 51 and 71.

It is well-settled law that to support a finding of obviousness, a reference must provide some motivation, working without the benefit of the applicant’s specification, to make the necessary changes in the device disclosed in the reference. The mere fact that a worker in the art could modify the reference to meet the terms of the claims is not, by itself, sufficient. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or impliedly teaches or suggests the desirability of the modification. In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984); Ex parte Clapp, 227 USPQ 972, 973 (Bd. App. 1985); Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. App. 1984).

It is respectfully submitted that the Examiner applied a piecemeal examination of the pending claims in the present Final Office Action while a major technical rejection should be stated with a full development of reasons rather than by a mere conclusion coupled with general disclosure. It is further respectfully submitted that the Examiner has relied upon improper hindsight in present Final Office Action and has failed to provide a proper motivation to combine the cited references.

It is respectfully submitted that the combination of Leung and the AAPA is improper and it respectfully requested that the rejection be withdrawn. Notwithstanding that the combination of Leung and the AAPA is improper, it is further respectfully submitted that the teachings of Leung and the AAPA individually or in combination do not result in applicant's claimed invention, as recited in independent claims 1, 18, 28, 35, 42, 51 and 71, due to the functional and structural differences explained previously.

Therefore, it is respectfully asserted that independent claims 1, 18, 28, 35, 42, 51 and 71 are allowable over the cited combination of references. It is further respectfully asserted that claims 2-6, 8-10, 12, 13, 16, 19-25, 30, 32, 34, 39, 41, 52-56, 72, 74 and 75 are also allowable at least by virtue of their dependence from an allowable independent claim.

CONCLUSION

In light of the above remarks, Applicants submit that all claims of the present application are in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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